



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/765,269	01/27/2004	Debra Ann Merrill	702-040032

28289
 WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.
 700 KOPPERS BUILDING
 436 SEVENTH AVENUE
 PITTSBURGH, PA 15219

COPY

CONFIRMATION NO. 7572

FORMALITIES LETTER



OC000000012941952

Date Mailed: 06/14/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

08/20/2004 BSAYASI1 00000014 10765269

01 FC:1001
 02 FC:1051

770.00 OP

130.00 OP

Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M - MAILE

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 900.00)

<i>Complete if Known</i>	
Application Number	10/765,269
Filing Date	January 27, 2004
First Named Inventor	Debra Ann Merrill et al.
Examiner Name	Not Yet Assigned
Art Unit	1614
Attorney Docket No.	702-040032

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

 Deposit Account:

Deposit Account Number

23-0650

Deposit Account Name

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	770.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$) 770.00	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	17	-20** = 0 X 0 = 0	0
Independent Claims	2	-3** = 0 X 0 = 0	0
Multiple Dependent			0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	**Reissue independent claims over original patent
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
SUBTOTAL (3)		(\$) 130.00	

**or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

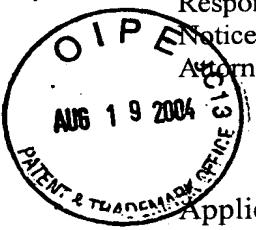
SUBMITTED BY (Complete if applicable)

Name (Print/Type)	Barbara E. Johnson	Registration No. (Attorney/Agent)	31,198	Telephone	412-471-8815
Signature				Date	August 16, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Appl. No. 10/765,269
Response to Notice to File Missing Parts dated June 14, 2004
Notice to File Missing Parts dated August 16, 2004
Attorney Docket No. 702-040032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/765,269 Confirmation No. 7572
Applicant : Debra Ann Merrill et al.
Filed : January 27, 2004
Title : Method for Producing a Gluten-Free Peptide Preparation and Preparation thus Obtained
Art Unit : 1614
Examiner : Not Yet Assigned
Docket No. : 702-040032
Customer No. : 28289

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION**

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) *Filing Date Granted* dated June 14, 2004, Applicants enclose the following:

1. Fee Transmittal Letter in triplicate for purposes of calculating the filing fee;
 2. the required copy of the “Notice” to be returned with the response;
 3. Check in the amount of \$900.00 to cover the filing fee for a large entity (\$700.00), and the late filing fee surcharge (\$130.00).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 16, 2004.

Kimberly N. Welday
(Name of Person Mailing Paper)

Kimberly N. Welday 08/16/2004
Signature Date

Appl. No. 10/765,269
Response to Notice to File Missing Parts dated June 14, 2004
Notice to File Missing Parts dated August 16, 2004
Attorney Docket No. 702-040032

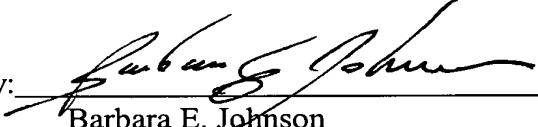
The mailing date of the Notice to Filing Missing Parts is June 14, 2004 and the deadline for filing this Response is August 14, 2004; however August 14, 2004 falls on a Saturday, therefore this Response is being filed in a timely manner on Monday, August 16, 2004.

The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees as set forth in 37 C.F.R. §§1.16 and 1.17 which may be required, or refund any overpayment to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Response are attached.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By:


Barbara E. Johnson
Registration No. 31,198
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: 412-471-8815
Facsimile: 412-471-4094